

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 1 is currently being amended. Support for this amendment can be found throughout the specification as-filed, including page 9, lines 5-10. Because the amendment places the claims in better form for consideration on appeal, Applicants respectfully request entry of the amendment.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. No new matter is being added.

After amending the claims as set forth above, claims 1-11 are now pending.

I. Claim Rejections – 35 U.S.C. 102

Claims 1-11 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Matthews *et al.* (WO 95/34595). The Office Action contends that the claim recitation “toxins and toxic peptides of biological origin” encompasses a virus, such as HIV. Applicants respectfully traverse this rejection.

While not acquiescing in the propriety of the rejection, Applicants have amended the claims to recite “toxins and toxic peptides of animal, plant, or microbial origin” rather than “toxins and toxic peptides of biological origin.” Support for this amendment can be found on page 5, lines 5-10, which recites toxins of “animal, plant, microbial, or viral” origin. Thus, the specification makes a distinction between toxins of viral origin and toxins of other origins, and the claims no longer encompass toxins of viral origin.

Mathews discloses the use of dendrimers to treat viral infection. Mathews does not teach or suggest that the dendrimers could be used to inhibit the activity of “(i) toxins and toxic peptides of animal, plant, or microbial origin and (ii) toxins and toxic peptides released during bacterial, protozoal or fungal infection.” In addition, the record is devoid of any indication that a person skilled in the art would equate a virus with a toxin or *vice versa*. Accordingly, Mathews does not anticipate the present claims.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of this ground of rejection.

II. Obviousness-Type Double Patenting

Claims 1-11 stand rejected as being unpatentable over claims 1-36, 38 and 39 of U.S. Patent No. 6,190,650. According to the Office Action, the ‘650 patent “for the most part teaches a dendrimer composition and a method for administering the composition to treat the same conditions or infections that are caused by toxins.” Office Action at 4. Applicants respectfully traverse this rejection.

For the reasons elaborated above, Mathews relates to treating viral infections using dendrimers and contains no teaching or suggestion that dendrimers can be used to inhibit the activity of “(i) toxins and toxic peptides of animal, plant, or microbial origin and (ii) toxins and toxic peptides released during bacterial, protozoal or fungal infection.” One of skill in the art would not equate a treating a “viral infection” to inhibiting the activity of “(i) toxins and toxic peptides of animal, plant, or microbial origin,” as claimed. Accordingly, the present claims are not an obvious variant of the claims of Mathews.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of this ground of rejection.

CONCLUSION

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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